

110TH CONGRESS
2D SESSION

H. R. 752

IN THE SENATE OF THE UNITED STATES

MAY 22, 2008

Received; read twice and referred to the Committee on Homeland Security and
Governmental Affairs

AN ACT

To direct Federal agencies to transfer excess Federal electronic equipment, including computers, computer components, printers, and fax machines, to educational recipients.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Federal Electronic
3 Equipment Donation Act of 2008”.

4 **SEC. 2. REQUIREMENT TO TRANSFER USEFUL FEDERAL**
5 **ELECTRONIC EQUIPMENT TO EDUCATIONAL**
6 **RECIPIENTS.**

7 (a) TRANSFER OF EQUIPMENT TO EDUCATIONAL
8 ENTITIES.—

9 (1) IN GENERAL.—Each Federal agency shall
10 identify useful Federal electronic equipment that the
11 agency has determined is excess to its needs and—

12 (A) report such equipment to the Adminis-
13 trator of General Services for processing for
14 transfer to an educational recipient in accord-
15 ance with section 549 of title 40, United States
16 Code;

17 (B) transfer such equipment directly to an
18 educational recipient, through an arrangement
19 made by the Administrator of General Services
20 under subsection (b); or

21 (C) report such equipment to the Adminis-
22 trator of General Services as excess property if
23 transfer under subparagraph (A) or (B) is not
24 practicable.

25 (2) MANAGEMENT OF NONTRANSFERABLE
26 EQUIPMENT.—For equipment reported under para-

1 graph (1)(C), the Administrator of General Services
2 shall manage the equipment in accordance with sub-
3 chapters II and III of title 40, United States Code.

4 (3) EXCEPTION.—Equipment transferred pur-
5 suant to section 11(i) of the Stevenson-Wydler Tech-
6 nology Innovation Act of 1980 (15 U.S.C. 3710(i) is
7 neither transferred pursuant to this Act nor subject
8 to this Act’s requirements.

9 (b) ADVANCE REPORTING OF EQUIPMENT TO
10 GSA.—Each Federal agency shall report to the Adminis-
11 trator of General Services the availability of useful Federal
12 electronic equipment as far as possible in advance of the
13 date the equipment is expected to become excess to its
14 needs, so that the Administrator may attempt to arrange
15 for the direct transfer from the donating agency to edu-
16 cational recipients.

17 (c) USE OF NONPROFIT REFURBISHERS.—In trans-
18 ferring any equipment pursuant to this Act, at the request
19 of the educational recipient and if appropriate, if the
20 equipment is not classroom-usable, the transferring agen-
21 cy shall convey the equipment initially to a nonprofit re-
22 furber for upgrade before transfer to the educational
23 recipient.

24 (d) REMOVAL OF DATA BEFORE TRANSFER.—In
25 transferring any equipment pursuant to this Act, the

1 transferring agency shall remove data from the equipment
2 prior to transfer to the educational recipient according to
3 accepted sanitization procedures. To the maximum extent
4 practicable, the transferring agency shall remove data
5 using a means that does not remove, disable, destroy, or
6 otherwise render unusable the equipment or components.

7 (e) PREFERENCE.—In transferring any equipment
8 pursuant to this Act, the transferring agency shall give
9 the highest preference to educational recipients located in
10 an enterprise community or empowerment zone designated
11 under section 1391 or 1400 of the Internal Revenue Code
12 of 1986, a qualifying small town, or a qualifying county.

13 (f) LOW COST.—Any transfer made pursuant to this
14 Act shall be made at the lowest cost to the educational
15 recipient permitted by law.

16 (g) TITLE.—Title of ownership of equipment trans-
17 ferred pursuant to this Act shall transfer to the edu-
18 cational recipient receiving the equipment.

19 (h) NOTICE OF AVAILABILITY OF EQUIPMENT.—The
20 Administrator of General Services shall provide notice of
21 the anticipated availability of useful Federal electronic
22 equipment to educational recipients by all practicable
23 means, including newspapers, community announcements,
24 and the Internet.

1 (i) FACILITATION BY REGIONAL FEDERAL EXECU-
2 TIVE BOARDS.—The regional Federal Executive Boards
3 (as that term is used in part 960 of title 5, Code of Fed-
4 eral Regulations) shall help facilitate the transfer of useful
5 Federal electronic equipment from the agencies they rep-
6 resent to educational recipients under this Act.

7 **SEC. 3. RULEMAKING.**

8 The Administrator of General Services shall prescribe
9 rules and procedures to carry out this Act.

10 **SEC. 4. EFFECT ON OTHER LAWS.**

11 This Act supersedes Executive Order No. 12999 of
12 April 17, 1996.

13 **SEC. 5. RULE OF CONSTRUCTION.**

14 This Act may not be construed to create any right
15 or benefit, substantive or procedural, enforceable at law
16 by a party against the United States or its agencies, offi-
17 cers, or employees.

18 **SEC. 6. DEFINITIONS.**

19 In this Act:

20 (1) The term “Federal agency” means an Exec-
21 utive department or an Executive agency (as such
22 terms are defined in chapter 1 of title 5, United
23 States Code).

1 (2) The term “educational recipient” means a
2 school or a community-based educational organiza-
3 tion.

4 (3) The term “school” includes a pre-kinder-
5 garten program (as that term is used in the Elemen-
6 tary and Secondary Education Act of 1965), an ele-
7 mentary school, a secondary school, and a local edu-
8 cational agency (as those terms are defined in sec-
9 tion 9101 of that Act.)

10 (4) The term “community based educational or-
11 ganization” means a nonprofit entity that qualifies
12 as a nonprofit educational institution or organization
13 for purposes of section 501(c)(3) of the Internal
14 Revenue Code of 1986 and—

15 (A) is engaged in collaborative projects,
16 the primary focus of which is education, with
17 schools, qualifying small towns, qualifying coun-
18 ties, or libraries; or

19 (B) provides use of computers and Internet
20 access to members of the community at no
21 charge.

22 (5) The term “qualifying small town” means a
23 political subdivision with a population of not more
24 than 24,999 individuals where 20 percent or more of

1 the residents earn less than the poverty threshold
2 (as defined by the Bureau of the Census).

3 (6) The term “qualifying county” means a
4 county where 20 percent or more of the residents
5 earn less than the poverty threshold (as defined by
6 the Bureau of the Census).

7 (7) The term “useful Federal electronic equip-
8 ment”—

9 (A) means—

10 (i) computers and related peripheral
11 tools (such as computer printers, modems,
12 routers, and servers), including tele-
13 communications and research equipment;

14 (ii) fax machines; and

15 (iii) any other electronic equipment
16 determined by a Federal agency to be po-
17 tentially useful to an educational recipient;
18 and

19 (B) includes computer software, where the
20 transfer of a license is permitted.

21 (8) The term “classroom-usable”, with respect
22 to useful Federal electronic equipment, means such
23 equipment that does not require an upgrade of hard-
24 ware or software in order to be used by an edu-
25 cational recipient without being first transferred

1 under section 2(c) to a nonprofit refurbisher for
2 such an upgrade.

3 (9) The term “nonprofit refurbisher” means an
4 organization that—

5 (A) is exempt from income taxes under
6 section 501(c) of the Internal Revenue Code of
7 1986; and

8 (B) upgrades useful Federal electronic
9 equipment that is not yet classroom-usable at
10 no cost or low cost to the ultimate educational
11 recipient.

12 **SEC. 7. PREFERENCE IN DONATION OF PERSONAL PROP-**
13 **ERTY THROUGH STATE AGENCIES.**

14 Section 549(e)(3)(B) of title 40, United States Code,
15 is amended—

16 (1) by striking “The state plan” and inserting
17 the following:

18 “(i) IN GENERAL.—The state plan”;

19 and

20 (2) by adding at the end the following new
21 clause:

22 “(ii) PREFERENCE.—The state plan
23 of operation shall require the state agency
24 to give the highest preference for electronic
25 equipment to eligible institutions (as de-

1 scribed in subsection (c)(3)) that are lo-
2 cated in an enterprise community or em-
3 powerment zone designated under section
4 1391 or 1400 of the Internal Revenue
5 Code of 1986, a political subdivision with
6 a population of not more than 24,999 indi-
7 viduals where 20 percent or more of the
8 residents earn less than the poverty thresh-
9 old (as defined by the Bureau of the Cen-
10 sus), or a county where 20 percent or more
11 of the residents earn less than poverty
12 threshold (as defined by the Bureau of the
13 Census).”.

14 **SEC. 8. REPORT TO CONGRESS.**

15 (a) REPORT REQUIRED.—Not later than 18 months
16 after the date of the enactment of this Act, the Adminis-
17 trator of General Services shall submit to Congress a re-
18 port.

19 (b) CONTENTS OF REPORT.—The report shall con-
20 tain the following:

21 (1) An inventory of items that Federal agencies
22 identified as useful Federal electronic equipment
23 that the agency has determined is excess to its needs
24 in the first 365 days after the date of the enactment
25 of this Act.

Attest: LORRAINE C. MILLER,
Clerk.